

FUTURE OF FAMOUS SUTTON CASE HANGS UPON PUNCTUATION MARK

UTLEY'S MEMORY AGAIN FAILS HIM

Mother Expected to Declare
Son's Revolver Discovered
in Suit Case.

(Continued from First Page.)

had ever "hushed up" Private Kennedy or had mentioned the tragedy to him.

Mr. Davis, to the discomfort and apparent danger of the handsome young officer, tried to make him admit that he knew in advance that Kennedy's testimony had been unfavorable to him. Utley denied, however, that he had read anything except some newspaper headlines.

Doesn't Want to Discredit.

"All I know about Kennedy's testimony was that I was expected to clear up something," said Utley. He came back with a heated "No!" when asked point-blank if he did not want to discredit Kennedy.

Surgeon Cook, who performed the autopsy on Sutton's body, and who the mother and sister of the dead man believe will testify that his relative was mercilessly beaten by his brother-officers, may take the stand this afternoon. It is rumored today that when Mrs. Sutton takes the stand, probably early tomorrow, the judge advocate proposes to introduce in evidence one or more letters sent by her to the Navy Department that are even more harsh in the criticism of the first board of inquiry, and the manner in which her son died than the one introduced ten days ago which caused the officers to be characterized as defendants, and Mrs. Sutton complainant in the present investigation.

Knowing that there was little likelihood of the mother testifying today, a smaller court room through was present than heretofore and for once the male spectators were about equal in number to the feminine curious ones, mainly recruits from the naval social circles of Annapolis. They will all be back tomorrow if Mrs. Sutton tells her story.

The Sutton attorneys have always laid great stress upon the whereabouts of "Jimmie" Sutton's pistol on the night of and the day following the fight. It was thought, therefore, that they had scored a material point when Mr. Davis had Utley admit this morning that he was a member of the inventory board that listed Sutton's effects on October 13, 1927, and that Sutton's smaller pistol, according to the inventory, was found in his suitcase the next morning.

Before Utley was excused, however, Major Leonard had the witness explain that, according to custom, the pistol might have been inventoried as being a part of the effects without actually being in the tent, provided that it was known to be in possession of the inventory board, which met later, or some officer. Still, the Sutton attorneys regard Utley's signed inventory report a valuable point.

It is believed all the testimony, including that of Mrs. Sutton and Mrs. Parker, will be in by Monday; that the lawyers will begin their speeches on that day, and that the court of inquiry will be able to deliver its findings by Thursday.

REVOLVER MYSTERY IS STILL UNSOLVED

ANNAPOLIS, Aug. 6.—The cross-examination of Utley was relentlessly resumed by Attorney Davis as soon as the young lieutenant took the stand again this morning. For nearly half an hour efforts were made to get Utley to throw some light on the mystery as to who gave Sergeant De Hart a revolver on the night Sutton was killed.

Utley, using a score of times the expression, "I have no recollection of any such thing," contradicted De Hart's testimony and threw no light upon the all important point of the missing revolver. As Utley is the last known eyewitness to be heard the pistol incident, it seems, must remain in the record unexplained.

"Lieutenant," questioned Davis, "Sergeant De Hart testified that he reported to you after the fight that he had thrown away a revolver on the parade ground. Is that true?"

"I don't recollect any such report. As I have said I remember De Hart saying that he knew where the revolver was, and I told him to get it and give it to the officer of the day. I remember nothing of any reference to it being thrown away."

"De Hart has said that he went to you

next morning and you told him not to mind about hunting for the gun, and giving him to understand that it had been found. How about that?"

"I recall no such conversation."

"I Don't Recall."

"De Hart says he is positive it was you to whom he talked about the gun, and that you told him to cease his search."

"I have no recollection of that," said Utley.

In many forms similar questions were put, and received the same answer.

"Did you when I came on talk with De Hart that night or the next morning?" pressed Davis.

"That night, I recall nothing about a conversation with De Hart the next day."

"De Hart says he asked you the next morning if you knew who gave him the gun that he had thrown away. Did you had said that you didn't and had dropped the matter with that. Is that correct?"

"I don't remember any such occurrence."

"Will it refresh your memory, now that you say De Hart was not on the scene when Sutton was shot, to inform you that he has declared you sent him for the hospital steward?" urged Mr. Davis.

"I don't recall giving any such order."

"De Hart testified you ordered him to the barracks next. Did you?"

"I don't recall doing so. My only recollection of seeing De Hart," said Utley, "was his recollection then and that today's testimony was his recollection today. He made no effort to reconcile the two."

Other discrepancies were next emphasized between Utley's original testimony and his present statements. Before he said De Hart was on Sutton's body, as De Hart admits, when Sutton died, this time he says not.

Utley declared that he was turned toward Sutton's feet when the shot was fired, and that he was searching that part of the body for another shot. This time he said he was at Sutton's head, and trying to catch hold of the latter's hand, pinned under him, when Sutton raised it and fired.

It was at this point that Mr. Davis, after putting the question several times, drove home the fact that Utley had "hold of Sutton's arm, and was attempting to reach his gun, when the shot was fired."

"Is it not true, Lieutenant," asked Davis, "that you had your hand on Sutton's arm, and his arm was in motion to escape you when someone else cried: 'Roelker is shot,' and that just then the fatal shot was fired?"

"Yes, as I recall it, his arm was going up, was in motion, when the someone called out Roelker."

Not intentional.

"According to your definition of suicide, Lieutenant, you merely meant that Sutton had shot himself. You did not mean to say it was intentional."

"No, I don't say today that the shooting was intentional," said Utley.

In his direct examination, Utley, asked if he knew Private Kennedy, had volunteered the information that Kennedy had once "busted" on his examination for a corporalship, and that he (Utley) had recommended that Kennedy's application be refused.

Mr. Davis tried to obtain an admission that this statement was volunteered to discredit Kennedy because he had given testimony.

Utley held arm.

UTLEY HELD ARM AS SUTTON SHOT

ANNAPOLIS, Aug. 6.—Lieutenant Utley, who was fighting under a rapid-fire cross-examination, when court adjourned at 4 o'clock yesterday afternoon, and who resumed the witness stand this morning, has made a frank witness so far as he has gone, but he has by no means cleared up several points that everyone surmised he might.

Further than that, he added just a little more mystery by saying that at the time he and his fellow-officers declare Sutton shot himself that he, Utley, was reaching under him to locate a pistol, still in Sutton's possession, and that, while he had hold of Sutton's arm, the latter raised it and fired the fatal shot.

Attorney Davis lay great stress upon the fact that Utley, at the first inquest, testified that he saw some one wrench the first gun from Sutton's hands. This time, all the lieutenants would admit that one and the same person, while the officers were upon him, was empty.

"On the former occasion, Lieutenant

Utley," Mr. Davis said, "you testified that at that juncture you heard someone say, 'Get the other gun,' and that you, in the meantime, searched Sutton's holster and pockets for it. Now you say you recall nothing about this?"

"I do not recollect any such occurrence now," replied Utley, after deliberating awhile. "I testified then according to my fresh recollection; I am testifying now according to my memory."

"Another Officer."

"You also said at the first inquest that you, another officer and Sergeant De Hart were upon Sutton as he struggled upon the ground. Now, I believe you will admit that there was another officer upon him, nor that De Hart was there. You merely say that you and 'somebody' were upon Sutton."

"That is my recollection now," replied Utley, apparently displeased by the constant probe of the lawyer.

"You do admit that you were feeling for or following Sutton's arm in the search for a pistol which you thought to be under him, and that at that moment he raised his arm and fired?"

"Yes, that is right."

Attorney Davis, with a rather satisfied air, made a note of the answer.

"Lieutenant," began the lawyer again, leaning far over the table and looking directly at the witness, "would it refresh your recollection any about the warning you are supposed to have given someone, to tell you that Private Kennedy has testified that you, after Sutton was dead, told him to 'say nothing about it'?"

"It does not refresh my recollection," said Utley. "As I have said before, if I made any remark of this kind at all it was his recollection then and that today's testimony was his recollection today. If I so ordered him, it was with a view to keeping down gossip."

Fight Between Officers.

"Do you think it necessary to tell an enlisted man to keep silent about a probable fight between officers?"

"Yes, sir."

Mr. Davis then suddenly reverted to that portion of Utley's testimony where he had described coming upon Sutton,

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PRESIDENT TAKES UP COMING LEGISLATION

Discussion Now Turns to Questions of Railroad Corporation Matters—Important Meeting of Cabinet Lawyers to Be Held in September.

By JOHN SNURE.

President Taft is already looking forward to the next regular session of Congress with a view to securing at that time important railroad and corporation legislation.

It is significant that the President, turning his mind thus early away from the tariff bill, has already begun to talk with leading members of both houses of Congress about the program for next winter on the important variety of legislation referred to.

Today he talked with Representative Mann of Illinois, just appointed chairman of the House Committee on Interstate Commerce, on the question of the railroad and corporation legislation to be secured at the regular session. Mr. Mann was not willing to say what the President had outlined. He referred inquirers to what the President has already said on these subjects in his message and elsewhere.

The President asked Mr. Mann to return to Washington by November 15 for the purpose of talking over with him the recommendations in his message on railroad and corporation matters. Mr. Mann will comply. He has expected to go to Panama with the Appropriations Committee, but will not do so.

Not only has the President asked Mr. Mann to do this, but it was learned today that the lawyers of the Cabinet and others whom the President has asked to study over the interstate commerce legislation needed for next session will hold a meeting in New York the last week in August and early in September, for the purpose of laying before the President, to be utilized in the preparation of his message, their findings on the question of what legislation is needed. Those who are expected to be at this meeting

in conversation with De Hart, Sutton at the time having his guns.

"You say you had ordered him under arrest, and that you and Roelker came upon him in this wise. There were three to one. Why didn't you put him under arrest, or disarm him?"

The witness thought again for a few seconds and responded:

"He went on up the hill too fast."

"I understand you to say that you and Roelker followed Sutton up the path and that he met Adams. Therefore, you and Roelker were behind Sutton, and he was between you and Adams?"

"And he began firing at Adams—several shots—and Adams rushed toward him?"

"Correct."

"How, then, did Roelker, who was behind him, get shot?"

The witness looked nonplussed for a moment and then said:

Is Not Positive.

"I cannot say positively, but I think he must have turned around while he was firing. He had two guns, you know."

"But you were behind him and you didn't get shot?"

"No. All I know is that Roelker dropped to the ground."

Utley said he had lost sight of De Hart at this time and didn't know where the sergeant was at the time.

The witness repeated his statement that Adams had grappled Sutton and had thrown him face downward on the ground, apparently shot through the breast. It was afterward found, however, that the ball, allegedly from Sutton's gun, did not enter the flesh, but it was to the right and stopped when it struck the skin.

Mr. Davis' effort to get Utley to admit that he had once hazed Sutton in his earlier academy days brought forth the response from the witness that if he did haze Sutton he didn't know it and that he supposed that he had "hazed" many midshipmen whose names he didn't know.

Utley looked rather glad and Mr. Davis somewhat sorry when the hour of adjournment came late yesterday in the midst of the cross-examination. Outside of his lapses of memory, however, the witness had told a seemingly frank story and made a good impression.

NEGRO HANGED.

PHILADELPHIA, Aug. 5.—Fontaine F. Lewis, a negro, was hanged in Moyamensing prison here for the murder of Mary Robinson a year ago. While in a jealous rage Lewis shot the girl, who was a child's nurse, while she was leading the three-year-old daughter of a wealthy family along the street.

Old Dutch Market

Formerly BLUE FRONT

Saturday Extra-Specials

At This Cool, Clean Market

It's certainly a satisfaction to shop at OLD DUTCH these hot summer days. Lowest prices are not the only attraction.

All our meats are displayed under glass in Sanitary Refrigerator Show Cases. No handling—no dust—no flies. And the entire market is cooled by refrigeration.

Active clerks insure prompt attention.

Saturday Specials

Newport Rib Roast; no bone, no waste, lb. 15c

Prime Rib Roast, lb. 12 1/2c, 15c

Top Sirloin Roasts, lb. 15c

Porterhouse Steak, lb. 20c

Sirloin Steak, lb. 16c

Club Steak, lb. 16c

Round Steak, lb. 12 1/2c

Beef a La Mode, lb. 12c

Lemons, large and fancy, 2 doz. for 25c.

A Choice Assortment of Vegetables and Fruits.

Fish

Butter Fish, lb. 8c

Sea Bass, lb. 10c

REMEMBER THE NUMBER 930 Louisiana Ave.

"In the Middle of the Block"

TUCKER CARRIES ALEXANDRIA CITY

Robinson Moncure Receives
Safe Majority for House
of Delegates.

WASHINGTON TIMES BUREAU, ALEXANDRIA, VA., AUGUST 6.

In one of the quietest primaries which has been held in Alexandria for many years, Robinson Moncure, yesterday defeated J. Fred Birrell, for the house of delegates, by a majority of 315, in Alexandria city and county.

For governor, St. George Tucker carried Alexandria city, by 236 majority; and for lieutenant governor, Caton carried Alexandria, by 615 majority.

The vote by ward was as follows:

For governor	1st	2d	3d	4th
William H. Mann	138	128	164	84
H. St. G. Tucker	182	229	145	163
For lieutenant gov.	1st	2d	3d	4th
J. T. Elyson	125	108	48	102
J. R. Caton	195	263	261	171
Attorney General	1st	2d	3d	4th
Williams	153	208	114	119
Cattell	155	120	170	100
Com. Agriculture	1st	2d	3d	4th
Koher	175	229	114	153
Brown	108	100	109	83
House of Del.	1st	2d	3d	4th
Robinson Moncure	240	207	165	185
J. Fred Birrell	145	163	144	55

In Alexandria county, Jefferson district gave Moncure 34 majority; Arlington district, 75 majority; and Washington district, 15 majority, making Moncure's entire majority 315.

The city school board held a meeting at Lee School building last evening and transacted a large amount of business. Conrad Johnson, son of John M. Johnson, was elected principal of Lee School for White Girls. Mahlon H. Janney was elected a teacher in Washington School, to fill the vacancy caused by the election of Captain Sweeney. Superintendent Eugene Lindsey was elected a teacher in Washington School, to fill the vacancy caused by the resignation of Fitzgerald Jones.

All the old teachers were re-elected to their respective positions. The superintendent submitted his annual report, which was accepted.

The work of demolishing the old frame houses in North Henry street, near Cameron street, is in progress today. When the ground is cleared the work of putting up a modern warehouse for Armour & Co. will be begun.

William Davis, Kendrick Dunper, Frank Anderson, John Williams, Joseph Carr, Harry Simmon, and Ellis Langford were before Justice Caton this morning charged with entering the store of a man named Hall and stealing several bottles of liquor.

The funeral of the late James H. Beach will be held from his home, 262 North Alfred street, tomorrow afternoon. Mr. Beach is survived by a widow and several children.

NURSE FOR A HOTEL.

At one of the hotels in New York a nurse has been installed whose duty it is to take care of the children of guests who come without nurses. The proprietor says that very often a woman is obliged to come without a nurse, and in consequence is tied down by the baby, and moreover, obliged to consult a strange physician if it is ailing. The nurse takes care of all that, and her services are not charged for.—St. Louis Globe-Democrat.

Dr. Lyon's PERFECT Tooth Powder

Cleanses, beautifies and preserves the teeth and purifies the breath

Used by people of refinement for almost Half a Century

Old Dutch Market

Formerly BLUE FRONT

Saturday Extra-Specials

At This Cool, Clean Market

It's certainly a satisfaction to shop at OLD DUTCH these hot summer days. Lowest prices are not the only attraction.

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Sea Bass, lb. 10c

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"In the Middle of the Block"

COMMERCIAL CLUB MAKES HOME READY

Already Occupying Don Cameron House and Will Start Improvements Soon.

Members of the Commercial Club of Washington are now occupying the quarters of the organization, which is the Don Cameron home, just north of the Belasco Theater.

The property, which was leased shortly after the organization of the club last spring, has been taken over. A decision probably will be reached next week regarding the improvements that are to be made in converting the house into club quarters. As soon as this is done work will be commenced with the view of having everything in readiness for the formal opening early in the fall.

It was announced today that the members of the club will be admitted to the house, although it will not be operated as a club until after the completion of the improvements which may be decided upon.

CHILDREN BEFORE COURTS.

According to Judge Ben B. Lindsey, there are 100,000 children coming before the courts in this country every year, which means that in every generation of childhood within which we have dependents and delinquents under sixteen years, there are, perhaps, a million and a half different children who come before the courts. The courts themselves will never prevent delinquency. For that it is necessary to go beyond the courts into the causes of poverty and crime.—Juvenile Court Record.

FALLS OVER WIRE, IS ELECTROCUTED

Electrician Meets Death in Transforming Station Near Great Falls.

David Hoover, employed as an electrician by the Great Falls and Old Dominion Railroad, was found dead early this morning in the transforming station about twelve miles above the Aqueduct bridge, where he was in charge at night. The man's back was badly burned, and it is believed he was electrocuted by falling over a live wire between 11 and 12 o'clock last night.

Hoover went on duty at 6 o'clock in the evening, and every hour made a record of the voltage passing through the big transforming machine, which decreases the current from the feed wires before it reaches the trolley. When the day man went to work this morning he found Hoover lying on the floor beside the machine. The record blanks showed that he had made no entry since 11 o'clock.

Hoover was about forty-five years old and lived with his wife and two children at 3219 M street northwest. He came to this city from Harpers Ferry about a year ago. He formerly worked for the American Ice Company.

Palais Royal

A. LISNER

Half Day Tomorrow

Close Promptly 1 P. M.

Time is made longer and money is increased in value where everything needed is found at a lowest price. That's why a whole day's business is done here Saturday in less than five hours.

\$3.98

Worth —?

Earlier in the season these plain and braided dresses and suits sold up to as much as \$20. Now that we are looking to the Autumn-Winter Season we are willing to almost give away remaining Summer Goods. So pay us \$3.98 for certain of the dresses and no more than \$4.98 for the Suits of linen and other wash materials.

Hats, \$2 and \$5

Among the \$5.00 hats are the new styles for traveling, trimmed with velvet and ribbon bows. At \$2.00 are the new untrimmed black hats, chip and neapolitan, some with white facings.

At 39c to \$2.59

39c for \$1 Wash Waists in colors. \$1.59 for choice of lingerie Waists—last of \$3 to \$5.00 lots. \$1.98 for Linen Skirts made to retail up to \$6.00. \$2.59 for Waists that were as much as \$6.50.

Lingerie 69c and 88c

Was \$1.00 and Up to \$3.50

What a gathering of regular patrons! What enthusiastic grabbing! What good natured little disputes for ownership of this garment or that!

What an old story it is! What a pleasant retrospective view it affords—of years of honest and sturdy effort to merit your confidence and patronage and of the harvest so bountiful. This evening we need only write that the filmy lingerie you know so well is to be 69c instead of \$1.00, and 88c instead of \$3.50. Of course, you'll not expect the variety or the immaculate appearance of the earlier summer—but you'll know the sterling merit is there.

\$1 to \$6.50 Corsets, 39c to \$2.69

For bathing or negligee wear indoors the corsets reduced to 39c are plenty good enough; at \$1.59 are Corsets fitted with genuine whalebone, and worth to \$4.00; at \$2.69 are dainty French Corsets worth \$6.50. With these bargains are linked intelligence and faithfulness, used in your behalf.

6c to 19c for 18c to 35c Hose

At 19c instead of 35c are Women's Filmy Gauze Lisle Black Stockings, strengthened with double soles and garter tops. At 11c instead of 19c are Women's and Men's Stockings, plain and fancy, in black and colors. At 6c instead of 13c pair are Children's Ribbed Lace Stockings, fast black and white, in sizes 6 to 9.

Choice for 5c

Were as Much as 50c

Choice of Linen and Lace Dutch Collars, High and Low Linen Collars, Jabots, Bayaderes, Embroidered Turn-over Collars, Silk Bows and the various summer Neckwear, made to retail to 50c, at only 5c for choice.

Neck Ruches for 3c

Cape Lisse, Chiffon, Net and Lace Ruching that sold to 19c, to be 3c per neck length.

The Palais Royal

A. LISNER